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APR 04 2002
GROUP 1600
Intervet Inc.
400 State Street
P.O. Box 318
Millsboro, DE 19966
(302) 934-8051
April 4, 2002

22...pages including cover sheet.

PERSON TO:	COMPANY/DEPT TO:	FAX NUMBER:
Examiner M. Mosher	Group Art Unit 1648	703 308 4242

PERSON FROM:	COMPANY/DEPT FROM:	FAX NUMBER:
William P. Ramey III	Intervet, Millsboro Patent Department	302 934 4305

RE: LUTTICKEN ET AL
USSN 09/084,837
Attorney Docket Number I 97269 US

Please accept the following documents in the above-identified application:

Petition for Revival of an Application for Patent Application Abandoned Unintentionally (4 pages)
Fee Transmittal (1 page)
Request for Continued Examination Transmittal (1 page)
Request for Continued Examination (12 pages)
Example A (3 pages)

 Intervet

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN PROPRIETARY INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF YOU ARE NOT THE ADDRESSEE, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, NOTIFY US IMMEDIATELY BY TELEPHONE (COLLECT). THANK YOU.

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PTO/SB/64 (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
 UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

I 97269 US

First named inventor: LUTTICKEN ET AL

Application No.: 09/084,837

Art Unit: 1648

Filed: May 26, 1998

Examiner: M. Mosher

Title: RECOMBINANT BIRNAVIRUS VACCINE

Attention: Office of Petitions
 Assistant Commissioner for Patents
 Box DAC
 Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions
 Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a
 notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the
 expiration date of the period set for reply in the Office notice or action plus an extensions of time
 actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications
 filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1280 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
 the form of Request for Continued Examination (Identify type of reply):

- ☐ has been filed previously on _____
☒ is enclosed herewith.

B. The issue fee of \$ _____

- ☐ has been paid previously on _____
☐ is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement. This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on
 the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC
 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PTO/SB/64 (10-01)

Approved for use 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

April 4, 2002
Date

Telephone
Number: (302) 933-4034

William P. Ramey III
Typed or printed name

P.O. Box 318
Address

Millsboro, DE 19966

Enclosures: ☐ Fee Payment
☐ Reply
☐ Terminal Disclaimer Form
☐ Additional sheets containing statements establishing unintentional delay
☒ Other: Fee Transmittal

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

4/4/2002
Date

William P. Ramey III
Signature

William P. Ramey III
Type or printed name of person signing certificate

80

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.
 BY: Smear

Date: 4/4/2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:
 LUTTICKEN ET AL.

Serial Number: 09/084,837

Group Art Unit: 1648

Filed: May 26, 1998

Examiner: MOSHER, M.

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MAY 01 2002

OFFICE OF PETITIONS

For: RECOMBINANT BIRNAVIRUS VACCINE

**PETITION TO REVIVE UNINTENTIONAL ABANDONMENT
 OF APPLICATION PURSUANT TO 37 CFR §1.137(b)**

Assistant Commissioner of Patents
 Washington, D.C. 20231

April 4, 2002

Sir:

The undersigned hereby petitions for revival of the above captioned case pursuant to 37 CFR §1.137(b). In support of this petition, Applicants respond as follows:

- (1) Applicants have included a reply to the outstanding office action at the time the above captioned application became abandoned.
- (2) Applicants hereby authorize the Commissioner to charge our Deposit Account No. 02-2334 in the amount required pursuant to 37 CFR §1.17(m).
- (3) Applicants and Applicants' attorneys hereby state that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

In light of the above response, Applicants hereby request that this petition be granted and application


04/17/2002 CTHWAS2 00000002 022334 09064837

01 FC:141 1280.00 CH

serial number 09,084,837 revived. In the event any additional fees are due, please charge our **Deposit**

Account No. 02-2334.

Respectfully submitted,



William P. Ramey, III
Attorney for Applicants
Registration No. 44,295

Akzo Nobel Patent Department
Intervet, Inc.
405 State Street
P.O. Box 318
Millsboro, DE 19966
Tel: (302) 933-4034
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MAY 01 2002

OFFICE OF PETITIONS

PTO/SB/17 (10-01)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL
for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$)

2020.00

Complete if Known

Application Number	09/084,837
Filing Date	05/26/1998
First Named Inventor	LUTTICKEN ET AL
Examiner Name	M. Mosher
Group Art Unit	1648
Attorney Docket No.	I 97269 US

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 02-2334
 Deposit Account Name: Akzo Nobel

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES

Total Claims: -20** = X =
 Independent Claims: - 3** = X =
 Multiple Dependent: =

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
103 18	203 9	Claims in excess of 20	
102 84	202 42	Independent claims in excess of 3	
104 280	204 140	Multiple dependent claim, if not paid	
109 84	209 42	** Reissue independent claims over original patent	
110 18	210 9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for <i>ex parte</i> reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	1280.00
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	740.00
179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 2020.00

SUBMITTED BY

Name (Print/Type) William P Ramey III

Registration No. (Attorney/Agent)

44,295

Complete (if applicable)

Telephone (302) 933-4034

Signature

Date 04/04/2002

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